

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

Case No. 5:24-MJ- 191 (MJK)

PAUL MIGNACCA)

Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) specified below, in the county of Onondaga in the Northern District of New York, the defendant violated:

Code Section	Offense Description	Dates
18 U.S.C. § 2252A(a)(2)(A)	Distribution of Child Pornography	September 19, 2023
18 U.S.C. § 2252A(a)(5)(B)	Possession of Child Pornography	April 10, 2024

This criminal complaint is based on these facts:
See Attached Affidavit

☒ Continued on the attached sheet.



Complainant's signature

Martin Baranski, Special Agent

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: April 10, 2024



Judge's signature

City and State: Syracuse, NY

Hon. Mitchell J. Katz, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

**AFFIDAVIT IN SUPPORT
OF A CRIMINAL COMPLAINT**

I, Martin Baranski, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint charging Paul Mignacca ("Mignacca") with violations of Title 18, United States Code, Sections 2252A(a)(2)(A) (distribution of child pornography) and 2252A(a)(5)(B) (possession of child pornography), as more fully described below.

2. I am a Special Agent employed by the United States Department of Justice, Federal Bureau of Investigation (FBI), and as such I am an "investigative or law enforcement officer" of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Chapter 63. I have been a Special Agent with the FBI since October of 2018. I am currently assigned to the FBI's Albany Division where I investigate all federal criminal violations. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Section 2252A, including preparing and executing search warrants in child pornography and child exploitation investigations. I have received training in child sexual exploitation and have had the opportunity to observe and review examples of child pornography in all forms of media including computer media.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every

fact known to me concerning this investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause to believe that Mignacca has violated Title 18, United States Code, Sections 2252A(a)(2)(A) (distribution of child pornography) and 2252A(a)(5)(b) (possession of child pornography).

PROBABLE CAUSE

4. Between the months of July and September 2023, an FBI Online Covert Employee (“OCE”) arranged to be admitted to a private channel hosted on an end-to-end encrypted application, hereinafter referred to as “Application A.” Application A is a free, privacy-focused messaging and voice talk app that utilizes the Internet and is accessible on smartphones and via desktop computer. Once admitted to the channel, the OCE confirmed the channel’s purpose was to share child pornography. On or about September 19, 2023, at 3:56 PM, Application A User “PJM +1 XXX-XXX-8792” uploaded three videos to the communal chat within the private child pornography trading channel. One of the videos, filename WMC56859.mp4, was approximately 17 seconds in length and depicted an approximately 10-year-old nude female wearing only an orange tank top. The female is bent over on a bed. An adult male is behind the child and repeatedly penetrates the child with his penis.

5. On or about December 18, 2023, the FBI Albany, NY office sent an administrative subpoena to T-Mobile with respect to phone number XXX-XXX-8792, the phone number associated with the user who uploaded child pornography on September 19, as described above. On or about January 2, 2024, T-Mobile responded with subscriber information for the phone number. The records identified Paul J. Mignacca as the subscriber and 230 Dale Street, Syracuse,

NY, as the subscriber's address. Investigators noted that Paul J. Mignacca's initials, P.J.M., matched the username of the September 19 Application A child pornography distributor.

6. New York State Department of Motor Vehicles ("DMV") records show that Paul J. Mignacca's registered address is 230 Dale Street, Syracuse, NY. This information matched the address provided by T-Mobile. New York State DMV records show that Mignacca owns a white 2021 Subaru Legacy, with NYS Registration JDC1972. The DMV records contained a photograph of Mignacca, alerting investigators to Mignacca's physical description. During March and early April 2024, investigators conducted surveillance of 230 Dale Street and confirmed it to be Mignacca's residence.

7. On today's date, your affiant and other law enforcement personnel executed a search warrant authorized by this Court for the residence, Mignacca's vehicle, and Mignacca's person. FBI Special Agent (SA) Martin Baranski, Task Force Officer (TFO) Andrew Wilmot, and Onondaga County Sheriff's Detective Ryan Schruise (hereinafter "interviewing Agents") interviewed Paul Mignacca in a parking lot outside of his workplace at 3800 New Ct. Ave., Syracuse, NY. Mignacca was not under arrest and voluntarily spoke with the interviewing Agents in the parking lot. Mignacca admitted to distributing and receiving child pornography on Application A over the past several months. Mignacca also showed the interviewing Agents his mobile phone, an Apple iPhone, and provided interviewing Agents with the iPhone's PIN code. SA Baranski manually reviewed the iPhone and confirmed that Mignacca had Application A on the iPhone and was a member of several child pornography trading groups. The iPhone was seized by the interviewing Agents.

8. Mignacca agreed to travel with the interviewing Agents to the Syracuse, NY FBI office to continue the interview, where he was advised of his *Miranda* rights before being questioned further. During the ensuing interview, Mignacca reaffirmed that he owned and possessed the iPhone, and that he utilized the iPhone to conduct his child pornography-related activity. Mignacca assisted interviewing Agents in a further manual review of the iPhone, showed them how the iPhone was utilized to conduct child-pornography related activity, and where on the phone child pornography was located. Mignacca admitted he possessed Application A to distribute and receive child pornography. Mignacca confirmed that he was the user of the "PJM +1 XXX-XXX-8792" Application A account that, as outlined above, had uploaded child pornography to the Application A private channel. While reviewing the contents of the Application A app on the iPhone, interviewing Agents observed that Mignacca was a member of several child pornography trading rooms.

9. Mignacca also showed interviewing Agents a mobile application installed on the iPhone called Yandex Disk, which appeared to be a cloud storage service. Interviewing agents reviewed the contents of the Yandex Disk application on the iPhone and observed it to contain dozens of images and videos of child pornography. Mignacca also showed interviewing Agents how he had saved images and videos of child pornography in a hidden folder on his iPhone. The hidden folder contained 839 images and 2 videos, the majority of which were child pornography. One video, with file name "560252475960032901" was approximately 15 minutes in length. The video depicted an approximately 8-year-old prepubescent female undressing and displaying her vagina in a lewd and lascivious manner. The video's metadata revealed that it had been saved from the mobile application Telegram on November 24, 2021.

10. Mignacca also possessed several child pornography media files in the iPhone's "recently deleted" folder. One video, which did not contain a filename but was associated with a deleted date of 3/25/2024, was approximately 5 minutes in length and depicted an adult male vaginally penetrating an approximately 12-year-old female. Another video, which also did not contain a filename but was associated with a deleted date of 4/6/2024, was approximately 2 minutes in length and depicted an adult male vaginally penetrating an approximately 12-year-old female.


CONCLUSION

11. Based on the aforementioned facts, there is probable cause to believe Paul Mignacca has violated 18 U.S.C. §§ 2252A(a)(2)(A) (distribution of child pornography) and 2252A(a)(5)(B) (possession of child pornography), and requests that a criminal complaint charging those violations of federal law be issued..

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH THE REQUIREMENTS OF RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE.


Martin Baranski, Special Agent

I, the Honorable Mitchell Katz, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on April 10, 2024 in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.


Hon. Mitchell Katz
United States Magistrate Judge